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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/558,433  | 02/12/2007  | Seung-Myun Back      | 7950.044.00         | 6700             |
| 30827 7590 11/25/2008<br>MCKENNA LONG & ALDRIDGE LLP<br>1900 K STREET, NW<br>WASHINGTON, DC 20006 |             |                      |                     |                  |
| EXAMINER  |             |                      |                     |                  |
| EL-ZOOBI, MARIA   |             |                      |                     |                  |
| ART UNIT  |             | PAPER NUMBER         |                     |                  |
| 2614  |             |                      |                     |                  |
| MAIL DATE   |             | DELIVERY MODE        |                     |                  |
| 11/25/2008  |             | PAPER                |                     |                  |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/558,433

**Applicant(s)**

BAEK ET AL.

**Examiner**

MARIA EL-ZOOBI

**Art Unit**

2614

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☐ Claim(s) \_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,6,7,9,12,13,15,16,18,20,22,24,29,32,34,36,38,39 and 2527 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02/12/2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_.

### **DETAILED ACTION**

1. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

### ***Response to Arguments***

2. Applicant's arguments filed 8/18/2008 have been fully considered but they are not persuasive. Applicant argues that Moyer does not describe every and each element found in claim 1; Applicant argues that Moyer relates to a SIP messages for remote control of a networked appliance with a home and the message is being between the PC and outbound proxy. However Applicant does not provide any further explanation or how Moyer is different from the present invention or in which way the Applicant

disagrees with the Examiner. Moyer define a structure of a message being exchange between a PC and a proxy "server then to an appliance controller.

3. Applicant argues that the rejections of the rest of the claims based on the same reasons in claim1, however as stated above, Applicant provide no further explanation other than his/her disagreement with the rejection.

Examiner rejected claims under 112 second paragraphs, claims, 12, 18, 20, 22 34, 32, 36 , have not been amend to overcome the rejection , nor the Applicant argument further explain or argues these rejections. Examiner maintains the 112 rejection.

***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 12-13, 15, 18, 20, 24 and 27-28 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 12 recites the limitation "a dummy signal", is not clear what a dummy signal means; the specification does not further define the dummy signal.

Claim 13 recites "an internet operation program code commend unit for identifying the appliance", it is not clear what is the difference between this limitation and the limitation in claim 1 which recites "product code unit of a corresponding appliance", it appears that both limitation is to identify the product.

Claim 15, recites "the network device of claim 13 or 14", is indefinite because claim 14 has been cancelled.

Claim 24 recites "the network device of claim 22 or 23", is indefinite because claim 23 has been cancelled.

Claim 27 recites "the network device of claim 25 or 26", is indefinite because claim 26 has been cancelled.

Claim 28 recites "the network device of claim 25 or 26", is indefinite because claim 26 has been cancelled.

Claim 29 recites "the network device of claim 25 or 26", is indefinite because claim 26 has been cancelled.

Claim 28 recites "the network device of claim 36 or 37", is indefinite because claim 37 has been cancelled.

Claim 18 recites "the internet operation program code command unit comprises a recognition code for an internet operation program", is not clear, what is a recognition code, in which way it recognize the internet operation program?

Claim 20 recites "the command unit comprises a factor name and a factor value", is not clear.

Claim 22 recites "the return argument comprises a factor value", is not clear. This "factor value and factor name", are not known terminologies in the art, a further clarification is required to clarify theses claim language.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-2, 6, 7, 9, 12 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Terakado (US 20020059617) in view of Moyer (US 20020103898) and further in view of Sahinoglu (US 6,759946).

Regarding claim 1, Terakado discloses, a network device (Fig. 1, el. 110) capable of being connected to a plurality of appliances (Fig. 1, el. 130; PC, VCR, AV-HDD and Paragraph 0039) communicating with a remote control server (Fig. 1, el. 100 and Paragraph 0039) through a network (Fig. 1, el. 140 and Paragraph 0039) and storing a message (Paragraph 0041; store a data from the server, appliances or the remote control) wherein the message is defined as one of a plurality of a predetermined message types (Paragraph 0040-0042; the data could be control data, EPG data, display data).

Terakado does not disclose, the claimed message's structure.

However, it is well known in the art, that in order to control an appliance, a message that identify the appliance, the required command, the length of the message, the source and destination address of the message must be send in order to perform the function of the controlling on the required appliance, in other words information related

to the appliance is sent along with the control command.

Moyer discloses a user sending a message (Fig. 2) to an appliances controller in the home (Fig. 2, el. 204) via a server (Fig. 2, el. 116). Also see figures 6-9 and Paragraph 0101. The message has a plurality of parameters and comprising: a product code unit of the a corresponding appliance (Paragraph 1012, 037 and 0420), parameter units defining the message (Paragraph 0108; defined the message is to turn the lamp on), transmission/reception direction of the message (0103-0105).

Therefore, it would have been obvious to one with ordinary skill in the art, at the time the invention was made to modify Terakado with Moyer in order to define a specific structure for the message so to improve the system.

Although Moyer does not expressly teach a message code unit for notifying a transmission/reception direction of the message, and a number unit corresponding to the number of parameter units, it is obvious to have the source and destination of the message.

Sahinoglu discloses controlling home network appliances, wherein the message used to control the appliances define the source, destination, and the payload of the message (Fig. 3 and see Col. 6, lines 56-67).

Therefore, it would have been obvious to one with ordinary skill in the art, at the time the invention was made to modify Terakado in view of Moyer with Sahinoglu teaching in order to yield more predictable results.

Regarding claim 2, Terakado in view of Moyer and further in view of Sahinoglu discloses, wherein the product code unit comprises a product ID code (Moyer: Paragraph 0102: product ID "lamp", Sahinoglu: Col. 6, lines 36-38) and a logical address of the home appliance (Moyer: Paragraph 0102; r=bedroom, Sahinoglu: Fig. 3, el. 240)

Regarding claim 6, Terakado in view of Moyer and further in view of Sahinoglu discloses wherein the message code unit comprises at least one of a first code region for displaying a message from the network device to the remote control server, and a second code region for displaying a message from the remote control server to the network device (Moyer: Paragraph 0112-0114).

Regarding claim 7, Terakado in view of Moyer and further in view of Sahinoglu discloses, wherein the first code region and the second code region do not overlap with each other (Moyer: Paragraph 0112-0114).

Regarding claim 9, Terakado in view of Moyer and further in view of Sahinoglu discloses, wherein the product code unit, the message code unit, the parameter units and the number unit corresponding to the number of the parameter[[s are]] units are distinguished by predetermined delimiters (Paragraph 0102-0108; for example message



1).

Regarding claim 12, Terakado in view of Moyer and further in view of Sahinoglu discloses, wherein the message comprises at least one of a login request and response, a dummy message, and a logout request and response (Moyer: Paragraph 0102-0108).

Regarding claim 39, wherein the message further comprises an ID code of the user terminal (Moyer: Paragraph 0101-0102; which obviously will identify the user terminal).

8. Claims 13, 15-16, 18, 20, 22, 24-25, 27-28, 32, 34 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Terakado (US 20020059617) in view of Moyer (US 20020103898) and further in view of Sahinoglu (US 6,759,946) and further in view of Imafuku (20030038730).

Regarding claim 13, Terakado in view of Moyer and further in view of Sahinoglu discloses, wherein each of the parameter units comprises a user ID unit (Moyer: Paragraph 0382, 0411) an internet operation program code command unit for identifying the home appliance (Moyer: Paragraph 0316; d=door), a command unit for the home appliance (Moyer: Paragraph 0324) return argument units (Moyer: Paragraph 0227 and 0325).

Although Terakado in view of Moyer and further in view of Sahinoglu does not explicitly teach that the mentioned units are part of the parameters unit or a number unit corresponding to the number of return argument[[s]] units it would have been obvious to one with ordinary skill in the art, at the time the invention was made to modify the message structure to achieve any desired design choice, in other words, the structure of a message could be programmed in any design choice to suit the user needs, so to know the number of appliances return an argument for the command , which increase the convenience.

Imafuku discloses, an apparatus for controlling appliances; Imafuku discloses different messages structures to achieve the controlling function based on the user's needs. (see Fig. 12-14, 1620-21, 24 "wherein the two ways arrow indicate a two way communication i.e., sending a command and respond with an argument", Fig. 25, 27, 34 "user ID code, Product code, location address, product name, number, Fig. 49, return an argument "acknowledge email", also Fig. 51.

Therefore, it would have been obvious to one with ordinary skill in the art to modify Terakado in view of Moyer and further in view of Sahinoglu with Imafuku teaching to achieve different messages structure, so to improve the system and apply different design choices.

Regarding claim 15, Terakado in view of Moyer and further in view of Sahinoglu and further in view of Imafuku discloses, wherein the user ID code unit, the internet operation program code command unit, the command unit for the appliance, the number unit corresponding to the number\_of the return argument[[s]] units and the return

argument units are distinguished by predetermined delimiters (see claim 13 analysis).

Regarding claim 16, Terakado in view of Moyer and further in view of Sahinoglu and further in view of Imafuku discloses, wherein the message is a message for monitoring the home appliance (Moyer: Paragraph 0028, 0051, 0232; Imafuku: Fig. 51; status of the product).

Regarding claim 18, Terakado in view of Moyer and further in view of Sahinoglu and further in view of Imafuku discloses, a recognition code for an internet operation program, a product ID code (see claim 13 analysis) and a command unit (also see claim 13).

Although Terakado in view of Moyer and further in view of Sahinoglu and further in view of Imafuku does not explicitly teach discloses that the above mentioned units are in the internet operation program code command unit, However, it is a design choice as discussed in claim 13.

Regarding claim 20, Terakado in view of Moyer and further in view of Sahinoglu and further in view of Imafuku discloses, wherein the command unit for the home appliance comprises a factor name and a factor value of the command (Moyer: Paragraph 0108; command<turn>on).

Regarding claim 22, Terakado in view of Moyer and further in view of Sahinoglu and further in view of Imafuku discloses, wherein each of the return argument units comprises a return argument name and a factor value (Moyer: Paragraph 0227).

Regarding claim 25, Terakado in view of Moyer and further in view of Sahinoglu discloses, a user ID code unit, a destination IP unit of the device, an internet operation program code command unit for identifying the home appliance, a command unit for the appliance, argument units, and a number unit corresponding to the number of argument[[s]] units.

Although Terakado in view of Moyer and further in view of Sahinoglu does not explicitly teach that these mentioned units are in the parameter unit, It would have been obvious to one with ordinary skill in the art, at the time the invention was made to modify Terakado in view of Moyer and further in view of Sahinoglu to group them in one unit, to achieve a desired design choice.

Also see Imafuku reference discussion in claim 13.

Regarding claim 27, Terakado in view of Moyer and further in view of Sahinoglu and further in view of Imafuku discloses, wherein the user ID code unit, the destination IP unit, the internet operation program code command unit, the command unit for the home appliance, the number unit corresponding to the number of the argument[[s]] units and the argument units are distinguished by predetermined delimiters (Moyer: 0166, also see claim 13 as far for design and program choice analysis).

Regarding claim 28, Regarding claim 27, Terakado in view of Moyer and further in view of Sahinoglu and further in view of Imafuku discloses, wherein the message is a control message for the home appliance (Moyer: 0051).

Regarding claim 32, Terakado in view of Moyer and further in view of Sahinoglu discloses, wherein the internet operation program code command unit comprises a recognition code for an internet operation program, a product ID code and a command (see claim 25 and 13).

Regarding claim 34, Terakado in view of Moyer and further in view of Sahinoglu discloses, wherein the command unit for the home appliance comprises a factor name and a factor value of [[the]] a command (Moyer: Paragraph 0108; command<turn>on; also see claim 25 and 13 regarding the design choice matter).

Regarding claim 36, Terakado in view of Moyer and further in view of Sahinoglu discloses, wherein each of the argument units comprises an argument name and a factor value (Moyer: paragraph 0227).

9. Claim 24 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Terakado (US 20020059617) in view of Moyer (US 20020103898) and further in

view of Sahinoglu (US 6,759,946) and further in view of Imafuku (20030038730) and further in view of Kim (20030088703).

Regarding claim 24, Terakado in view of Moyer and further in view of Sahinoglu and further in view of Imafuku discloses (Sahinoglu: discloses the pay load of the message and Terakado: Col. 4, lines 23-25; Byte counter).

Although Terakado in view of Moyer and further in view of Sahinoglu and further in view of Imafuku does not explicitly teach wherein each of the return argument units further comprises a byte number corresponding to a number of the factor value, it is well known in the art, the message could contain the number of bits assigned to each unit in the message.

Kim discloses a method for generating a hose code to control home appliances (see abstract), Kim also discloses the message comprises a regions , each defined a number of bits for each unit included in the message "Hose code" see Fig. 4-6.

Therefore, it would have been obvious to one with ordinary skill in the art to modify Terakado in view of Moyer and further in view of Sahinoglu in view of Imafuku with Kim teaching to achieve different messages structure, so to improve the system and apply different design choices and identify the length of the message.

Regarding claim 38, wherein each of the argument units further comprises a byte number corresponding to a number of bytes\_of the factor value (see claim 24 analysis).

10. Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Terakado (US 20020059617) in view of Moyer (US 20020103898) and further in view of Sahinoglu (US 6,759946) and further in view of Imafuku (20030038730) and further in view of Yamada (6,415313).

Regarding claim 29, Terakado in view of Moyer and further in view of Sahinoglu and further in view of Imafuku discloses, parameter units.  
Terakado in view of Moyer and further in view of Sahinoglu and further in view of Imafuku does not disclose the parameter units further comprises a language unit for displaying a kind of a language.  
Yamada discloses, a message packet in a communication system (see Fig. 5) the server control table will check the language of the message (see Fig. 10, el. 54) where the language included in the header (Col. 5, lines 8-13).

Therefore, it would have been obvious to one with ordinary skill in the art, at the time the invention was made to modify Moyer in view of Ha to include a unit that display the language as suggested by Yamada in order to give the user the ability to use different language.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARIA EL-ZOOBI whose telephone number is (571)270-3434. The examiner can normally be reached on Monday-Friday (8AM-5 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on 571-272-7499. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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